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EXAMINER

PITARO, RYAN F

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/034,499
Filing Date: December 28, 2001
Appellant(s): DIEBERGER ET AL.

MAILED

JUN 01 2007

Technology Center 2100

Mark McSwain
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/15/2007 appealing from the Office action mailed 7/28/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Koike et al, Timeslider : An interface to Specify Time Point

Chen et al, US 6,625,624

Ayyar et al, US 2002/0140722

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4-10,17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al ("Koike", *Timeslider: An Interface to Specify Time Point*).

As per independent claim 1, Koike discloses a method for visualizing dynamic documents in a graphical user interface, comprising the steps of: generating a summary view (Figure 1) of at least one dynamic document including data from an ongoing process (Column 1 lines 15-17) and containing instances of search terms (Column 3 lines 45-50), using a condensed abstract representation of a search term density distribution (Column 3 lines 49-50) updating said summary view to reflect changes in said dynamic document (Column 1 lines 32-34); and triggering an enhancement of said summary view by cursor brushing (Column 3 lines 40-44).

As per claim 2, which is dependent on claim 1, Koike discloses a method comprising the further step of navigating to at least one segment of said dynamic document by selecting a corresponding portion of said summary view (Column 1 lines 17-20).

As per claim 4, which is dependent on claim 1, Koike discloses a method comprising the further step of identifying said dynamic documents with at least one search engine (Column 3 lines 44-48).

As per claim 5, which is dependent on claim 1, Koike discloses a method comprising the further step of aggregating information to enable a more condensed abstract representation of said dynamic document (Column 3 lines 40-44).

As per claim 6, which is dependent on claim 1, Koike discloses a method wherein said method is performed periodically (Column 1 lines 16-18; *in periods which run one after another*).

As per claim 7, which is dependent on claim 1, Koike discloses a method wherein said method is performed continuously (Column 1 lines 16-18).

Claims 8, 22, 23 are individually similar in scope to that of claim 1, and are rejected under similar rationale.

Claim 9 is similar in scope to that of claim 2, and is rejected under similar rationale.

As per claim 10, which is dependent on claim 8, Koike discloses a system where said dynamic document comprises at least one of: a text file, an image file, a web page (Column 2 lines 2-5), an audio file, a video file, streaming data.

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As per claim 17, which is dependent on claim 8, Koike discloses a system wherein search terms include user-specified events defined by significant changes in said data from said ongoing process (Column 1 lines 16-18).

As per claim 18, which is dependent on claim 8, Koike discloses a system wherein the summary view includes a number of distinct regions, each region having a different resolution scale, enabling information to be depicted at different levels of detail (Column 2 lines 29-32).

As per claim 19, which is dependent on claim 18, Koike discloses a system wherein said resolution scale is a time scale (Column 2 lines 25-32).

As per claim 20, which is dependent on claim 8, Koike discloses a system wherein the abstract representation is nonlinear (Column 2 lines 25-26).

As per claim 21, which is dependent on claim 21, Koike discloses a system wherein said summary view depicts more recent events with higher resolution than less recent events (Column 2 lines 29-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al ("Koike", *Timeslider: An Interface to Specify Time Point*) in view of Chen et al ("Chen", US 6,625,624).

As per claim 3, which is dependent on claim 1, Koike fails to distinctly point out computing a statistical summary of the contents. However, Chen teaches computing a statistical summary of contents of a selected document portion (Column 9 lines 44-48). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Koike with the teaching of Chen. Motivation to do so would have been to provide an overview to better understand the primary areas of focus.

As per claim 15, which is dependent on claim 8, Koike fails to disclose the document being stock market information. However, Chen teaches the document to include stock market data (Column 9 lines 40-48). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Koike with the teaching of Chen. Motivation to do so would have been to provide a way of tracking stocks.

1. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al ("Koike", *Timeslider: An Interface to Specify Time Point*) in view of Ayyar et al ("Ayyar", US 2002/0140722).

As per claim 13, which is dependent on claim 8, Koike fails to distinctly point out a system including data from a security system. However, Ayyar teaches a system wherein said dynamic document includes data from a security system ([0018] lines 1-18). Therefore it would have been obvious to an artisan at the time of the invention to combine the security system of Ayyar with the system of Koike. Motivation to do so would have been to provide a way to identify or selecting sequences for individual cameras for use in the system of Koike.

(10) Response to Argument

Applicant argues 3 main points in the Appeal:

A) Koike presents no search term density information, only small tick marks to indicate that at least one instance of a search term occurred.

B) Chen does not address dynamic documents.

C) Ayyar does not describe dynamic documents at all.

The Examiner respectfully disagrees for the following reasons:

As per A, Koike does in fact teach search term density. As agreed upon by the Applicant, Koike teaches small tick marks to indicate that at least one instance of a search term occurred. This conveys density to the user by displaying a tick mark if there is an instance and not displaying one if there is not. A user would then realize that positions with marks include some instance of the term, but only those with tick marks. Making the positions with tick marks more dense than those without tick marks. See figure below:

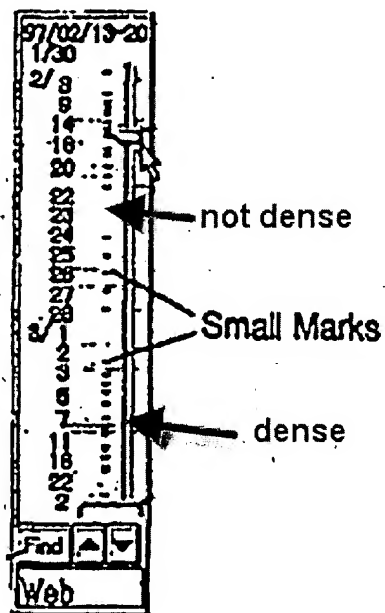


Figure 1: TimeSlider

The Applicant is trying to limit search term density to mean density represented by relative darkness, color and patterns; however none of these limitations are present in the claims.

As per B, Chen does not address dynamic documents, but Chen is not relied upon to do so. As pointed out in the office action Koike teaches dynamic documents, and when considering references, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As per C, Ayyar does not describe dynamic documents, but Ayyar is not relied upon to do so. As pointed out in the office action Koike teaches dynamic documents, and when considering references, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ryan Pitaro', with a stylized, cursive script.

Ryan Pitaro

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Conferees:



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Art Unit 2174